

SF

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/780,579	ERWIN, JEFF B.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Man Phan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the communications filed 03/10/2006.
2.  The allowed claim(s) is/are 2, 4-13, 15, 39-49 (Claims are renumbered as 1-23 respectively).
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

***Reasons for allowance***

1. This communication is in response to applicant's 03/10/2006 amendment in the application of Erwin for a "method and apparatus for network analysis, such as analyzing and correlating identifiers of frame relay circuits in a network" filed 02/09/2001. The proposed amendments to the claims have been entered and made of record. Claims 1, 14, 16-38 have been canceled per Applicant's request, claims 2-4, 8, 9, 12, 13, 15 have been amended and new claims 39-49 have been added. The claims have been amended to better point out and more distinctly claim subject matter comprising the invention.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Mr. Maurice J. Pirio (Reg. #33,273) on June 14, 2006.

4. The application has been amended as follows:

**IN THE CLAIMS:**

I. Claim 3: Cancel.

II. Claims 2 is amended as follows:

2. (Currently Amended) A computer controlled method of analyzing a network, wherein the network has a plurality of network segments, the method comprising:

identifying segment addresses of virtual private network segments in the network, wherein pairs of segment addresses define individual virtual private network segments;

obtaining statistical data associated with each identified segment address in the network, the statistical data representing more than one type of statistic obtained from each identified segment address; and

analyzing the obtained statistical data to identify similar statistical data corresponding to the pairs of segment addresses wherein the step of analyzing the obtained statistical data further comprises the steps of:

identifying potential pairs of segment addresses;

obtaining refined statistical data associated with the identified potential pairs of segment addresses; and

confirming that the potential pairs of segment addresses are the pairs of segment addresses based on the obtained refined statistical data; and

storing the pairs of segment addresses in a database.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2       Claims 2, 4-13, 15, 39-49 are allowable as evident by applicant's amendment (Claims are renumbered as 1-23 respectively).

3.       The following is an examiner's statement of reasons for allowance: The instant application is deemed to be directed to a nonobvious improvement over the invention patented in closest prior arts of record. The improvement comprises wherein the step of analyzing the obtained statistical data further comprises the steps of identifying potential pairs of segment addresses; obtaining refined statistical data associated with the identified potential pairs of segment addresses; and confirming that the potential pairs of segment addresses are the pairs of segment addresses based on the obtained refined statistical data, as specifically recited in the claims.

4.       Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5.       Any inquiry concerning this communication or earlier communications from the examiner should be directed to Man U. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached Monday through Friday from 6:00 am to 3:00 pm.

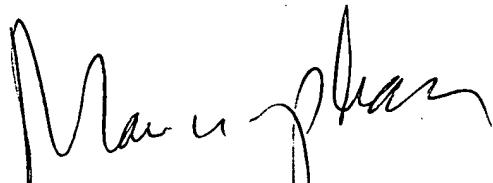
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

MPhan

08/24/2006



MAN U. PHAN  
PRIMARY EXAMINER